

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DEWAYNE S. JONES,

Plaintiff,

VS.

CORE CIVIC,

Defendant.

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NO. 5:17-CV-309-MTT-TQL

ORDER

Pro se Plaintiff Dewayne S. Jones, a prisoner most recently incarcerated in the Wheeler Correctional Facility in Alamo, Georgia, filed a document that was construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 based on conduct that occurred in the jail in June of 2017 (ECF No. 1). On August 14, 2017, the Court issued a notice of deficiency advising Plaintiff that he would be required to either pay the filing fee or submit a properly completed motion for leave to proceed *in forma pauperis*. Plaintiff was given twenty-one (21) days to comply with the notice and advised that failure to comply could result in dismissal by the Court.

The time for compliance passed without a response from Plaintiff. The United States Magistrate Judge therefore ordered Plaintiff to respond and show cause why his case should not be dismissed for failure to comply with the Court's orders and instructions. Plaintiff was also ordered to recast his Complaint on the Court's standard form. Plaintiff was given twenty-one (21) days to respond and was again warned that

failure to comply with an order of this Court is grounds for dismissal. Order, 1-2, Oct. 5, 2017, ECF No. 4.

The time for compliance has again expired with no response from Plaintiff. Because Plaintiff has failed to pay the required filing fee, failed to comply with the Court's instructions and orders, and otherwise failed to diligently prosecute his claims, Plaintiff's Complaint shall be **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 11th day of December, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT